

## **Remarks**

Claims 1-69 stand rejected and remain pending. No claims are amended herein. The Applicant respectfully requests reconsideration of the rejections, and requests allowance of claims 1-69.

### **Claim Rejection Under 35 U.S.C. § 102**

Claims 1-6, 13-21, 23, 24, 26-37, 39, 41-50, 56-61, 63, 64 and 66-69 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,944,150 to McConnell et al. (hereinafter “McConnell”). (Page 2 of the final Office action.) However, 35 U.S.C. § 102(b) bars patentability of the application if “the invention was *patented or described in a printed publication* in this or a foreign country or in public use or on sale in this country, *more than one year prior to the date of application for patent* in the United States.” (Emphasis supplied.) However, McConnell possesses an issue date of September 13, 2005, well past the filing date of December 28, 2001 of the present application. Further, according to the Office web site, the application associated with McConnell does not appear to have been published before the resulting patent was granted. Thus, the Applicant respectfully asserts that McConnell is not available as prior art under 35 U.S.C. § 102(b), and such indication is respectfully requested.

Also, the Applicant respectfully contends that McConnell does not teach or suggest all of the limitations of any of the independent claims of the present application, and traverses the rejection on that basis in view of the following discussion.

### ***Claims 1 and 48***

Independent system claim 1 provides, in part, “an access device configured *to engage in the wireline communication* to communicate with the wireline switch *and to engage in the wireless communication* to communicate with the wireless switch.” (Emphasis supplied.) Independent method claim 48 provides similar limitations.

The final Office action alleges that McConnell discloses “*an access device (12) [of Fig. 1] configured to engage in the wireline communication to communicate with the wireline switch* and to engage in the wireless communication to communicate with the wireless switch (col. 6, lines 31-43).” (Page 2 of the final Office action; emphasis

supplied.) The final Office action further identifies the Packet Switched Telephone Network (PSTN) 22 of Fig. 1 as the wireline switch of claims 1 and 48. (Id.) The Applicant respectfully contends that the element 12 referred to in the final Office action does not teach or suggest the access device of claims 1 and 48.

The element 62 of McConnell is “a mobile station 12, which communicates via an air interface 14 with a base transceiver station (BTS) 16.” (Fig. 1; and column 6, lines 31-33.) Mobiles stations 52, 120, 216 of Figs. 2, 3 and 7, respectively, are similarly configured. However, McConnell does not teach or suggest that the mobile station 12 engages in wireline communications to communicate with the PSTN 22. Instead, only wireless communications occur from the mobile station 12 to the BTS 16. The resulting information received at the BTS 16 is then reformatted and transmitted as wireline communications to a base station controller (BSC) 18 and a mobile switching center (MSC) 20 before being transferred to the PSTN 22. (See column 6, lines 31-55.) In other words, *the mobile station 12 itself does not engage in wireline communication* to communicate with the PSTN 22. Thus, since each of independent claims 1 and 48 provide or describe an access device engaging in *wireline* communication, the Applicant contends that McConnell does not teach or suggest such an access device, and such indication is respectfully requested.

#### *Claim 27*

Independent system claim 27 provides, in part, “an access device configured to *receive the at least one wireline communication* [from the wireline switch] and the at least one wireless communication [from the wireless switch].” (Emphasis supplied.)

With respect to claim 27, the final Office action indicates that McConnell discloses “an access device configured to receive the at least one wireline communication and the at least one wireless communication (col. 6, lines 31-43).” (Page 5 of the final Office action.) The Applicant respectfully disagrees, based on the discussion above. More specifically, the mobile station 12 only communicates by way of wireless communication over an air interface 14, as discussed above. Thus, McConnell does not teach or suggest that the mobile station 12 is configured to receive both a wireline communication and a wireless communication, as set forth in claim 27. Therefore, the

Applicant asserts that claim 27 is allowable in view of McConnell, and such indication is respectfully requested.

#### *Claim 36*

Independent system claim 36 provides at least “an access transceiver configured to *communicate using a wireline communication and a wireless communication*; ... and a service hub configured to *communicate first data for the wireline communication and a second data for the wireless communication for at least one premises communication*.” (Emphasis supplied.) The final Office action generally alleges that the service hub is taught by way of the same figures noted above, and at col. 6, lines 31-67, of McConnell. (Page 7 of the final Office action.) Again, the Applicant respectfully disagrees, as no device discussed in McConnell appears to teach any device that is configured to communicate first data for the wireline communication and a second data for the wireless communication for at least one premises equipment, as provided for in claim 36. Further, the final Office is not specific as to which device of McConnell is asserted as the service hub of claim 36.

Claim 36 also provides “a medium access control layer configured to control access to the access transceiver for communicating the wireline communication and the wireless communication.” The final Office action indicates that such a medium access control layer is shown in Figs. 1-3 of McConnell. (Page 7 of the final Office action.) Given the scope of these figures, however, which depict an entire communication network 10, including mobile stations, cellular network infrastructure, and the PSTN, the final Office action does not denote any particular component therein as the medium access control layer. Moreover, the text of McConnell does not appear to discuss a medium access control layer at any level.

Thus, based on at least these reasons, the Applicant contends claim 36 is allowable in view of McConnell, and such indication is respectfully requested.

#### *Claim 67*

Independent method claim 67 provides, in part, “*receiving the at least one wireline communication* [from a wireline switch] and the at least one wireless

communication [from a wireless switch] *at an access device.*” (Emphasis supplied.)

Thus, the access device of claim 67 can communicate directly by way of either wireline communication or wireless communication.

The final Office action alleges that the same portions of McConnell noted earlier (column 6, lines 31-55; and Figs. 1-3) teach receiving the at least one wireline communication and the at least one wireless communication *at an access device.* (Page 9 of the final Office action.) Again, the Applicant respectfully disagrees, as those sections of McConnell do not teach or suggest receiving at least one wireline communication at the mobile station 12 (identified as the access device at page 2 of the final Office action), which only communicates with the BTS 16 *wirelessly* over an air interface 14, as noted above. Thus, in view of at least this reason, the Applicant contends claim 67 is allowable in view of McConnell, and such indication is respectfully requested.

*Claims 2-6, 13-21, 23, 24, 26, 28-35, 37, 39, 41-47, 49, 50, 56-61, 63, 64, 66, 68 and 69*

Claims 2-6, 13-21, 23, 24 and 26 depend from independent claim 1, claims 28-35 depend from independent claim 27, claims 37, 39 and 41-47 depend from independent claim 36, claims 49, 50, 56-61, 63, 64 and 66 depend from independent claim 48, and claims 68 and 69 depend from independent claim 67, thus incorporating the provisions of their respective independent claims. Thus, the Applicant asserts that these claims are allowable for at least the reasons provided above in support of claims 1, 27, 36, 48 and 67, and such indication is respectfully requested.

Additionally as to claims 2 and 3, the access device may be configured “to receive the wireline communication from the wireline switch” (claim 2) or “to transmit the wireline communication to the wireline switch (claim 3). Claims 49 and 50 similarly include “receiving the wireline communication from the wireline switch *at the access device*” (claim 49) or “transmitting the wireline communication to the wireline switch *from the access device*” (claim 50). (Emphasis supplied.) As before, the final Office action indicates that these limitations are taught in McConnell at column 6, lines 31-43, and at Figs. 1-3. (Pages 2 and 3 of the final Office action.) The Applicant respectfully disagrees. Since McConnell does not teach or suggest transmitting wireline communications from, or receiving wireline communications at, the mobile station 12,

the Applicant asserts that claims 2, 3, 49 and 50 are allowable for at least this additional reason, and such indication is respectfully requested.

Regarding claim 68, which includes “transmitting [a] plurality of wireline communications *to the access device*” (emphasis supplied), the final Office action indicates that such an operation is discussed at the same portion of McConnell cited above. (Page 9 of the final Office action.) Again, that portion of McConnell only discusses *wireless* communications involving the mobile station 12, as mentioned above. Thus, the Applicant asserts that claim 68 is allowable in view of McConnell for at least this additional reason, and such indication is respectfully requested.

Therefore, in light of the foregoing, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 102 rejection of claims 1-6, 13-21, 23, 24, 26-37, 39, 41-50, 56-61, 63, 64 and 66-69.

#### Claim Rejections Under 35 U.S.C. § 103

Claims 7-12, 22, 25, 38, 40, 51-55, 62 and 65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McConnell in view of well-known prior art. (Page 10 of the final Office action.) The Applicant respectfully traverses the rejection in view of the comments provided above.

Specifically, claims 7-12, 22 and 25 depend from independent claim 1, claims 38 and 40 depend from independent claim 36, and claims 51-55, 62 and 65 depend from independent claim 48, thus incorporating the limitations of their corresponding independent claims. Thus, the Applicant contends that these claims are allowable for at least the reasons provided above in support of claims 1, 36 and 48, and such indication is respectfully requested.

Conclusion

Based upon the above remarks, the Applicant submits that claims 1-69 are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant thus respectfully requests allowance of claims 1-69.

The Applicant believes no fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

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/Kyle J. Way/

**SIGNATURE OF PRACTITIONER**

Kyle J. Way, Reg. No. 45,549

Setter Roche LLP

Telephone: (720) 562-2280

E-mail: kyle@setterroche.com

**Correspondence address:**

**CUSTOMER NO. 028004**

Attn: Melissa A. Jobe

Sprint Law Department

6450 Sprint Parkway

Mailstop: KSOPHN0312-3A461

Overland Park, KS 66251